

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD W. ILLES, SR., M.D.,	:	
Plaintiff	:	
	:	
vs.	:	CIVIL NO. 1:CV-09-1166
	:	
	:	(Judge Caldwell)
KEVIN DEPARLOS and	:	
STEVEN BLANK,	:	(Magistrate Judge Smyser)
Defendants	:	

O R D E R

AND NOW, this 24th day of September, 2009, upon consideration of the report and recommendation of the magistrate judge (doc. 10), filed August 18, 2009, to which no objections were filed, and upon independent review of the record, it is ordered that:

1. The magistrate judge's report is adopted.
2. Defendants' motion to dismiss (doc. 4) is denied.
3. This matter is remanded to Magistrate Judge Smyser for further proceedings

/s/William W. Caldwell
William W. Caldwell
United States District Judge